

LB-3 as amended by Report S&D-16, by Delegate Gallagher: On page 2, section 3.05, Redistricting Commission, in line 38 after the period add this new sentence: "Any vacancy on the Commission shall be filled by the appointing authority. The Commission shall adopt redistricting plans only by a majority vote of all its members."

THE PRESIDENT: The amendment is submitted by Delegate Gallagher. Is there a second?

*(The motion was duly seconded.)*

THE PRESIDENT: The amendment is seconded. The Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President and ladies and gentlemen, section 3.05 did not provide for the filling of a vacancy on the redistricting commission. Consequently we have deemed it appropriate to add a provision that when there is a vacancy it shall be filled by the same appointing authority which appointed the vacated seat.

Secondly, we did not provide by what vote redistricting plans should be adopted by the redistricting commission. We felt it highly desirable that we provide that the redistricting plans should be provided only by a majority vote of all the members so you would not have plural plans.

THE PRESIDENT: Are there any questions of the sponsor of the amendment? Is there any further discussion? Are you ready for the question?

The question arises on the adoption of Amendment No. 7. A vote Aye is a vote in favor of the amendment; a vote No is a vote against. Cast your votes.

*(Whereupon, a roll call vote was taken.)*

THE PRESIDENT: Have all delegates voted? Does any delegate desire to change his vote? The Clerk will record the vote. There being 96 votes in the affirmative and none in the negative the motion is carried. The amendment is adopted.

Are there any other amendments with respect to section 3.05? Are there any amendments with respect to section 3.06? Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President, before you leave section 3.05, last night in considering the executive branch sections when we got to the question of how to designate the presiding officers, I believe it was ultimately determined to use president of the Senate. I would assume

that for the purpose of uniformity we would, rather than use presiding officer, if it be the ultimate determination that we name the office, want to use president of the Senate and speaker of the House. That would be on line 33 on page 2, section 3.05.

THE PRESIDENT: Let the Chair ask this question of both you and Delegate Penniman, because it occurred to me last evening. I do not see any compelling reason why, if for sufficient reasons in the article on the legislative branch, it is desirable to designate the president of the Senate by that term. Why would there be any reason to change the term "presiding officer" when the term is used to refer to that office in two different houses where the title is different? Why could we not leave the words "presiding officer" in this article even though "president of the Senate" is used when we refer to gubernatorial succession?

DELEGATE GALLAGHER: I just wanted to point out that if you wanted to try to get absolute uniformity—

THE PRESIDENT: Does it create any problem?

DELEGATE GALLAGHER: Not as far as I can see, no, sir.

THE PRESIDENT: Delegate Penniman?

DELEGATE PENNIMAN: It is not in that section that there was any concern. The concern was on page 5 where it speaks about calling special sessions, and it says "the presiding officer of the Senate and the presiding officer of the House of Delegates." It was in this connection that I understood from the members of the Committee on Legislative Branch that they did not want to speak of the speaker or of the president of the Senate on the ground that this will be naming them in the Constitution and they wanted to leave that freedom to the Legislative Branch itself, or to the General Assembly. It was that particular section, not 3.05.

THE PRESIDENT: Well, even though that is much closer, there would still be no compelling reason why you would have to change in section 3.13, would there, Delegate Penniman?

DELEGATE PENNIMAN: No, I do not suppose so. We were doing it because of the members of the Style Committee who were also on the Committee on the Legislative Branch who felt that this had been a decision, and we felt that it ought not be made by us but brought to the floor.